

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Jens Kossmann et al.  
Application No. : 09/843,007  
Confirmation No. : 9893  
Examiner : Stuart F. Baum  
Filed : April 26, 2001  
Group Art Unit : 1638  
For : DNA SEQUENCE CODING FOR ENZYMES  
CAPABLE OF FACILITATING THE SYNTHESIS OF  
LINEAR  $\alpha$ -1,4 GLUCANS IN PLANTS, FUNGI AND  
MICROORGANISMS

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New York, New York  
October 19, 2004

**Mail Stop 313(c)**  
Hon. Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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PETITION FOR WITHDRAWAL FROM ISSUE  
UNDER 37 C.F.R. § 1.313

Sir:

Pursuant to 37 C.F.R. § 1.313(a), applicants hereby petition to withdraw the  
above-identified patent application from issue.

Applicants paid the issue fee on September 29, 2004. Applicant requests that  
the application be withdrawn from issue to permit consideration of a Request for Amendment

After Allowance Under 37 C.F.R. § 1.312 ("Request for Amendment"), filed concurrently herewith.\*

Applicants' attorneys inadvertently neglected to file the Request for Amendment, which they had already prepared and intended to file, concurrently with the September 29, 2004 payment of the Issue Fee. *See*, Request for Amendment, p. 10, first paragraph, last sentence, and final paragraph, last sentence.

Applicants' attorneys first learned that they had not filed the Request for Amendment late in the week of October 11, 2004, when reviewing the file in this case. They immediately called Examiner Baum, who, after checking with his supervisor, said he could not consider the Request for Amendment unless and until the case was withdrawn from issue. Hence, this Petition.

Applicants' attorneys do not believe that the filing of a continuing application is necessary or warranted in this situation. The Request includes new claims 48-51. Each of the added claims depends from already allowed claims. The added claims merely narrow the sequence identity recited in the independent claims. These amendments, therefore, do not add new matter and do not require any additional examination. Applicants' attorneys apologize for their oversight and respectfully request the entry of these claims prior to issuance of the patent.

Nevertheless, if the Commissioner believes that a continuing application is required for the Request for Amendment to be considered and entered in this case, applicants stand ready to file that application immediately upon notification from the Commissioner.

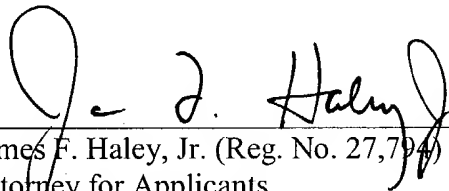
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\* This is a true copy of the Request for Amendment, as prepared for filing on September 29, 2004. The only changes are a change in the date – to October 19, 2004 – and a change in the address – to Mail Stop 313(c).

In the accompanying Transmittal Letter (filed in duplicate herewith), a check in the amount of \$130.00, in payment of the fee set forth in 37 C.F.R. § 1.17(h) for consideration of this Petition. The Director is authorized to charge any additional fees required in connection with this Petition, or any of the papers filed herewith, or to credit any overpayment of same, to Deposit Account No. 06-1075.

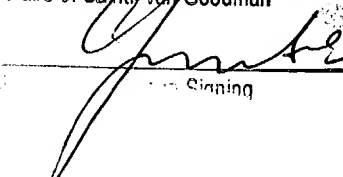
Accordingly, applicants request that this Rule 313(a) Petition be granted and the above-identified application be withdrawn from issue in order to allow consideration of the Request for Amendment (filed concurrently herewith).

Respectfully submitted,

  
James F. Haley, Jr. (Reg. No. 27,794)  
Attorney for Applicants  
c/o FISH & NEAVE LLP  
Customer No. 1473  
1251 Avenue of the Americas  
New York, NY 10020  
Tel.: (212) 596-9000  
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Claire J. Scintillone Goodman

  
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TRANSMITTAL LETTER

Sir:

Transmitted herewith for filing are: ☒ A Petition for Withdrawal from Issue  
Under 37 C.F.R. § 1.313; ☒ a Request for Amendment After Allowance Under 37 C.F.R.  
1.312; ☒ a check in the amount of \$130.00; and ☒ Postcard; for the above-identified patent  
application.

FEE FOR ADDITIONAL CLAIMS

☒ A fee for additional claims is not required.

☐ A fee for additional claims is required.

The additional fee has been calculated as shown below:

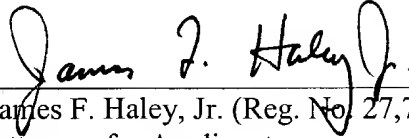
CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEES	
TOTAL CLAIMS	15—	33 =	0 X	\$ 18 =	\$ 0.00
INDEPENDENT CLAIMS	6 —	8 =	0 X	\$ 88 =	\$ 0.00
FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM		+	\$ 300 =	\$ 0.00	
TOTAL				\$ 0.00	

☒ A check in the amount of \$ 130.00 in payment of the fee for the Petition to Withdraw From Issue set forth in 37 C.F.R. § 1.17(h) is transmitted herewith.

☐ The Director is hereby authorized to charge the amount of \$130.00 in payment of the fee for the Petition to Withdraw From Issue set forth in 37 C.F.R. § 1.17(h), to Deposit Account No. 06-1075.

☒ The Director is hereby authorized to charge payment of any additional fees required under 37 C.F.R. § 1.16 or § 1.17, in connection with the paper(s) transmitted herewith, or credit any overpayment of same, to Deposit Account No. 06-1075. A duplicate copy of this transmittal letter is transmitted herewith.

Respectfully submitted,



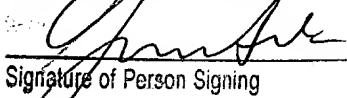
James F. Haley, Jr. (Reg. No. 27,794)  
Attorney for Applicants

c/o FISH & NEAVE LLP  
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Claire J. Saitlik van Goodman

  
Signature of Person Signing

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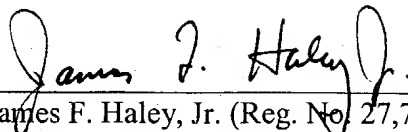
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Claire J. Saintil-van Goodman

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Sign